

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS
LIABILITY LITIGATION (No. IV)

BENJAMIN HILL CARTER, JR.

v.

FIBERBOARD CORP., et al.

Consolidated Under
MDL DOCKET NO. 875

E.D. PA Civil Action No.
09-cv-74351* *file*

Transferor Court:
S.D. Georgia
91-00164

FILED

FEB 29 2012

MICHAEL E. KUNZ, Clerk
Dep. Clerk

ORDER

AND NOW, this ¹*28* day of *February*, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:¹

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert Report of Dr. James Millette [See Docket #23] is **GRANTED**. This expert report fails to directly rebut the Defendant's experts and Plaintiffs have presented no justification for a delayed expert report.

It is further ORDERED that Judge Angell's Report and Recommendation is APPROVED and ADOPTED.

BY THE COURT:

Feb. 28, 2012

[Signature]
EDUARDO C. ROBRENO, J.

* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

¹No objections have been filed.

EXHIBIT "A"

<i>Benjamin Hill Carter, Jr.</i>	2:09-cv-74351-ER
<i>Bobby R. Carter, Sr.</i>	2:09-cv-92628-ER
<i>Jesse Ralph Carter,</i>	2:09-cv-74410-ER
<i>Orville Carter,</i>	2:09-cv-74246-ER
<i>Elmon L. Courson,</i>	2:09-cv-74337-ER
<i>Walter Lee Easton,</i>	2:09-cv-74467-ER
<i>Robert C. Ellis,</i>	2:09-cv-74484-ER
<i>Jack B. Howell,</i>	2:09-cv-92610-ER
<i>Eddie Lamorris Hyers,</i>	2:09-cv-74245-ER
<i>Warren Johnston, Jr.,</i>	2:09-cv-92657-ER
<i>Henry H. Jones,</i>	2:09-cv-92661-ER
<i>Ronald K. Regulas, Sr.</i>	2:09-cv-92660-ER
<i>Raymond L. Rosenblatt,</i>	2:09-cv-92640-ER
<i>George A. Shuman,</i>	2:09-cv-92636-ER
<i>John M. Taylor,</i>	2:09-cv-92637-ER
<i>Thomas Wilson,</i>	2:09-cv-92607-ER
<i>Roscoe Wolfe,</i>	2:10-cv-60978-ER